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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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3 MARC SPITZER, Chairman WILLIAM A. MUNDELL JEFF HATCH-MILLER

AZ CORP COMMISSION

JAN 2 4 2005

DOCUMENT CONTROL

DOCKETED BY

IN THE MATTER OF:

KRISTIN K. MAYES

MIKE GLEASON

DOCKET NO. S-03557A-04-0000

LONZO ARCHER 1512 Plymouth Road N. Brunswick, NJ 08902 CRD No. 1979672

Respondents.

SIXTH PROCEDURAL ORDER

BY THE COMMISSION:

On May 7, 2004, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Lonzo Archer ("Respondent") in which the Division alleged that Respondent's securities license had been revoked by the Securities Division of the Department of Financial Institutions of the State of Washington ("Washington Division") on January 27, 2004 for selling unsuitable investments to an elderly couple. The Final Order of the Washington Division was not appealed. The Division alleges that Respondent's actions and license revocation by the State of Washington constitute violations of the Arizona Securities Act ("Act") and are grounds to suspend or revoke his securities license registration in Arizona.

Respondent was duly served with copies of the Notice.

On June 10, 2004, Respondent, through New York counsel, Michael Kalmus, filed a request for hearing and notice of appearance. Respondent's counsel did not submit evidence of admission Pro Hac Vice ("PHV") in compliance with Rule 33 of the Rules of the Arizona Supreme Court and evidence that he had paid the required filing fees.

On June 11, 2004, by Procedural Order, it was ordered that Respondent's request filed in response to the Notice should be held in abeyance for 60 days pending Respondent's counsel filing a Motion and Consent for Admission Pro Hac Vice ("Motion PHV") with the Commission which

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establishes compliance with Rule 33 of the Rules of the Arizona Supreme Court and evidence that the required filing fees have been paid in a timely fashion or Respondent would be in default.

On August 9, 2004, Respondent's New York counsel filed a Motion Pro Hac Vice through local counsel that he had complied in a timely manner with Rule 33 of the Rules of the Arizona Supreme Court.

On August 10, 2004, by Procedural Order, New York Counsel was authorized Pro Hac Vice to represent Respondent and a pre-hearing conference was scheduled for September 8, 2004.

On August 18, 2004, the Division filed a Motion to Continue the pre-hearing conference because counsel for the Division and local Counsel for Respondent will be unavailable on September 8, 2004. The Division requested at least a 20 day continuance.

On August 19, 2004, by Procedural Order, the pre-hearing conference was continued to October 7, 2004.

On October 7, 2004, a pre-hearing conference was held with the Division and Respondent present with counsel. After a review of the pending issues, it was agreed that a hearing be held on November 18, 2004.

On October 8, 2004, by Procedural Order, a hearing was scheduled for November 18, 2004.

On November 5, 2004, Respondent's counsel, by facsimile, requested a continuance of the hearing scheduled on November 18, 2004 because Respondent had been scheduled for throat surgery on November 17, 2004, in New York City. Subsequently, during a teleconference on November 5, 2004, counsel for the parties agreed to a continuance of the proceeding to January 24, 2005.

On November 10, 2004, by Procedural Order, the hearing was scheduled for January 24, 2005.

On January 24, 2005, a full public hearing was convened before a duly authorized Administrative Law Judge at the offices of the Commission in Phoenix, Arizona. The Division was present with counsel and Respondent appeared through counsel. Counsel for the Respondent requested a brief continuance until January 31, 2005, due to the illness of the Respondent. Counsel faxed medical verification in support of this request. The Division opposed the request.

Accordingly, the hearing should be continued.

1 IT IS THEREFORE ORDERED that the hearing scheduled for January 24, 2005, shall be continued to January 31, 2005, at 9:30 a.m. at the Commission's offices, 1200 West Washington 2 Street, Phoenix, Arizona. 3 4 IT IS FURTHER ORDERED that all other prior orders shall remain in effect. 5 IT IS FURTHER ORDERED that, in the event Respondent's New York counsel wishes to 6 participate telephonically, he shall contact Molly at the Hearing Division by telephone at (602) 542-7 4250 prior to the scheduled proceeding to verify instructions to participate telephonically. day of January, 2005 Dated this 8 9 10 ADMINISTRATIVE LAW JUDGE 11 12 Copies of the foregoing were mailed/delivered day of January, 2005 to: 13 Michael Kalmus 14 850 Third Avenue, 14th Floor New York, NY 10022 15 Attorney for Respondent 16 Anthony B. Bingham 1423 South Higley Road 17 Bldg. 4, Ste. 110 Mesa, AZ 85206 18 Matt Neubert, Director 19 Securities Division ARIZONA CORPORATION COMMISSION 20 1300 West Washington Street Phoenix, AZ 85007 21 ARIZONA REPORTING SERVICE 22 2627 N. Third Street, Ste. 3 Phoenix, AZ 85004-1003 23 24 By: 25 Secretary to Marc E. Stern 26 27

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SRP Santan Expansion Project

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Quarterly Report

L-00000B-00-0105

JANUARY 2005

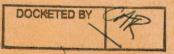


Prepared for The Arizona Corporation Commission

Submitted by Salt River Project

Arizona Corporation Commission
DOCKETED

JAN 3 1 2005



ORIGINAL

SALT RIVER PROJECT

P. O. Box 52025 Phoenix, AZ 85072-2025 (602) 236-5262 Fax (602) 236-3458 kjbarr@srpnet.com

January 31, 2005

Chairman Jeff Hatch-Miller Commissioner William A. Mundell Commissioner Marc Spitzer Commissioner Mike Gleason Commissioner Kristin K. Mayes Arizona Corporation Commission 1200 West Washington Phoenix, Arizona 85007 KELLY J. BARR, ESQ.

Manager, Regulatory Affairs & Contracts

Arizona Corporation Commission
DOCKETED

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AZ CORP COMMISSIO

Re: Docket No. L-00000B-00-0105, Decision No. 63611

Dear Commissioners:

Enclosed please find SRP's thirteenth quarterly report on the status of the Santan project. This report provides up-to-date information and documentation on the status of SRP's efforts to comply with each condition contained in the Certificate of Environmental Compatibility (CEC).

As always, please feel free to contact me if you have any additional questions or concerns.

Sincerely,

Kelly & Barr Kelly J. Barr

Enc.

cc: Lyn Farmer, Chief Administrative Law Judge (via Docket Control distribution)

Ernest Johnson, Utilities Director (via Docket Control distribution)

Brian Bozzo, Compliance and Enforcement Mgr. (via Docket Control distribution)

Chris Kempley, Legal Director (via Docket Control distribution)

Brian McNeil, Executive Secretary

Docket Control - original plus 25 copies

Richard H. Silverman, General Manager

Richard M. Hayslip, Manager, Environmental, Land, Risk Management &

Telecom

QUARTERLY UPDATE

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Application of Salt River Project Agricultural Improvement and Power District in conformance with the requirements of Arizona Revised Statutes Sections 40-360-03 and 40-360.06, for a Certificate of Environmental Compatibility authorizing the Expansion of its Santan Generating Station, located at the intersection of Warner Road and Val Vista Drive, in Gilbert, Arizona, by adding 825 megawatts)))))) Case No. 105) Docket No. L-00000B-00-0105) Decision No
of new capacity in the form of three combined cycle natural gas units, and associated intraplant transmission lines.))) _)

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") held public hearings at the Dobson Ranch Inn, 1644 South Dobson Road, Mesa, Arizona, on September 14, 2000, and various days following, in conformance with the requirements of Arizona Revised Statutes section 40-360 *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Salt River Project Agricultural Improvement and Power District ("Applicant") for a Certificate of Environmental Compatibility in the above-captioned case (the "Application").

The following members or designees of members of the Committee were present for the hearing on the Application:

Paul A. Bullis Chairman, Designee for Arizona Attorney General Janet Napolitano

Steve Olea Designee of Chairman of the Arizona Corporation Commission

Richard Tobin Designee for the Arizona Department of Environmental Quality

Dennis Sundie Designee for the Director of the Department of Water Resources

Mark McWhirter Designee for the Director of the Energy Office of the Arizona

Department of Commerce

George Campbell Appointed Member

Jeff Mcguire Appointed Member

A. Wayne Smith Appointed Member

Sandie Smith Appointed Member

Mike Whalen Appointed Member

The Applicant was represented by Kenneth C. Sundlof, Jr., Jennings, Strouss & Salmon PLC. There were seventeen intervenors: Arizona Utilities Investor Association, by Ray Heyman; Arizona Corporation Commission Staff, by Janice Alward; Arizona Center for Law in the Public Interest, by Timothy Hogan, Mark Kwiat, Elisa Warner, David Lundgreen, Cathy LaTona, Sarretta Parrault, Mark Sequeira, Cathy Lopez, Michael Apergis, Marshal Green, Charlie Henson, Jennifer Duffany, Christopher Labban, Bruce Jones and Dale Borger. There were a number of limited appearances.

The Arizona Corporation Commission has considered the grant by the Power Plant and Line Siting Committee of a Certificate of Environmental Compatibility to SRP and finds that the provisions of A.R.S. §40-360.06 have complied with, and, in addition, that documentary evidence was presented regarding the need for the Santan Expansion Project. Credible testimony was presented concerning the local generation deficiency in Arizona and the need to locate additional generation within the East Valley in order to minimize transmission constraints and ensure reliability of the transmission grid. The evidence included a study that assessed the needs of the East Valley. The analysis

found that the East Valley peak load currently exceeds the East Valley import capability and within the next 5 years the East Valley load will exceed the load serving capability.

Additional testimony was presented regarding SRP's projected annual 3.7% load growth in its service territory. By 2008, SRP will need approximately 2700 MW to meet its load. This local generation plant will have power available during peak periods for use by SRP customers.

At the conclusion of the hearing and deliberations, the Committee, having received and considered the Application, the appearance of Applicant and all intervenors, the evidence, testimony and exhibits presented by Applicant and all intervenors, the comments made by persons making limited appearances and the comments of the public, and being advised of the legal requirements of Arizona Revised Statutes Sections 40-360 to 40-360.13, upon motion duly made and seconded, voted to grant Applicant the following Certificate of Environmental Compatibility (Case No. L-00000B-00-0105):

Applicant and its assignees are granted a Certificate of Environmental Compatibility authorizing the construction of an 825 megawatt generating facility consisting of three combined cycle units with a total net output of 825 megawatts together with related infrastructure and appurtenances, in the Town of Gilbert, on Applicant's existing Santan Generating Station site, and related switchyard and transmission connections, as more specifically described in the Application (collectively, the "Project"). Applicant is granted flexibility to construct the units in phases, with different steam turbine configurations, and with different transmission connection configurations, so long as the construction meets the general parameters set forth in the application.

1. Applicant shall comply with all existing applicable air and water pollution control standards and regulations, and with all existing applicable ordinances, master plans and regulations of the State of Arizona, the Town of Gilbert, the County of Maricopa, the United States, and any other governmental entities having jurisdiction.

<u>Status</u> ~ The final Aquifer Protection Permit (APP) was issued with an effective date of August 11, 2004. However, due to specific discharge monitoring requirements imposed by the final APP for the RWCD outfall, an APP permit amendment was prepared and submitted to ADEQ on October 25, 2004 to address those specific issues. SRP anticipates that the 30-day public notice and comment period for the permit amendment will be issued any day.

The Reuse Permit was finalized as of the end of December 2004 and final payment has been received by the ADEQ. SRP received the final permit as of January 13, 2005.

SRP has finalized the Operating Agreement with RWCD and submitted the agreement to them on January 17, 2005. The Operating Agreement needs to be finalized and in-place between SRP and RWCD so that SRP access to the RWCD outfall can be utilized for sampling and monitoring as stipulated in the above permits.

2. This authorization to construct the Project will expire five (5) years from the date the Certificate is approved by the Arizona Corporation Commission unless construction of the Project is completed to the point that the project is capable of operating at its rated capacity; provided, however, that Applicant shall have the right to apply to the Arizona Corporation Commission for an extension of this time limitation.

Status ~ Construction of Unit 5 is 99% complete. In October 2004, major start-up activities began for Units 5A and 5B and will continue until the commercial operation of the units. Start-up activities refer to the process of testing the various components of the units and ensuring the different equipment parts operate in coordination. The first phase of start-up, which included the first time natural gas was ignited in the combustion turbines and the "steam blows" of the piping, have been completed. Physical observations and checks of each piece of equipment, system, hardware, pipe and wire as well as start-up of the remaining systems are in progress. The next phase of the start-up process includes restarting the units for tuning, further testing and steam turbine operation. Unit 5 remains on schedule for commercial operation by April 30, 2005. Unit 6 is 45% complete and is scheduled for commercial operation by April 30, 2006.

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY - 4

3. Applicant's project has two (2) approved transmission lines emanating from its power plant's transmission switchyard and interconnecting with the existing transmission system. This plant interconnection must satisfy the single contingency criteria (N-1) without reliance on remedial action such as a generator unit tripping or load shedding.

Status ~ SRP has completed the activity required by this condition.

4. Applicant shall use reasonable efforts to remain a member of WSCC, or its successor, and shall file a copy of its WSCC Reliability Criteria Agreement or Reliability Management System (RMS) Generator Agreement with the Commission.

<u>Status</u> ~ SRP is currently a member of the WECC, the successor to the WSCC, and plans to continue its membership with the WECC.

5. Applicant shall use reasonable efforts to remain a member of the Southwest Reserve Sharing Group, or its successor.

<u>Status</u> ~ SRP is currently a member of the Southwest Reserve Sharing Group and plans to continue its membership.

6. Applicant shall meet all applicable requirements for groundwater set forth in the Third Management Plan for the Phoenix Active Management Area.

<u>Status</u> ~ SRP is in compliance with all requirements for groundwater, as set forth in the Third Management Plan for the Phoenix Active Management Area.

7. With respect to landscaping and screening measures, including the improvements listed in the IGA, Applicant agrees to develop and implement a public process consistent with the process chart (Exhibit 89) presented during the hearings, modifying the dates in the IGA with the Town of Gilbert, if necessary, to correspond with the schedule in Exhibit 89.

The new Community Working Group (CWG) will consist of 12 members, selected as follows: one member selected by the Town of Gilbert, four members selected by neighborhood homeowner associations, four representatives selected by intervenors, and three members selected by SRP (not part of the aforementioned groups) who were part of the original community working group. Applicant and landscaping consultants shall act as advisors to the CWG. CWG meetings shall be noticed to and be open to the general public. The initial meeting shall take place on an evening or weekend in the Town of Gilbert.

The objective of the CWG shall be to refine the landscaping and mitigation

concept plans submitted during these hearings (Exhibit 88). The CWG shall work to achieve appropriate visual mitigation of plant facilities and to facilitate the design and installation of the concept plan components so as to maximize the positive impact on the community and to increase, wherever possible, the values of the homes in the neighboring areas. The refinement of the mitigation plans shall be reasonably consistent with the planning criteria of the Town of Gilbert, the desires of neighboring homeowner associations, and the reasonable needs of Applicant.

Applicant shall retain an independent facilitator, acceptable to the CWG, to conduct the CWG meetings. It shall be the role of the facilitator to assist in initial education and in conducting an orderly and productive process. The facilitator may, if necessary, employ dispute resolution mechanisms.

The CWG shall also assist in establishing reasonable maintenance schedules for landscaping of Applicant's plant site in public-view areas.

Applicant will develop with the Town of Gilbert a continuous fund, to be administered by the Town of Gilbert, to provide for the construction and maintenance of off-site landscaping in the areas depicted in the off-site landscaping concepts as developed by the CWG in an amount sufficient to fund the concepts in Exhibit 88 or concepts developed by the CWG, whichever is greater.

Status ~

Onsite Landscaping Program ~

SRP has completed nearly all of the landscaping at the site. The only work not completed involves the northeast area and the southeast corner of the project site that must be left available for construction access or installation of underground utilities associated with the plant construction and final work in the "Trails Area". Landscaping work in the northeast and southeast areas will be completed following the completion of Unit 6 construction.

In the "Trails Area" to the east of the power plant, work is nearing completion, with final work on the equestrian path and minimal landscaping touches yet to be completed. Fencing is complete, with the exception of the fencing around Well D, which will be completed within the next month. The "Trails Area" includes a horse trail, unpaved equestrian resting areas complete with benches for the horse's rider, and a shared use path, surrounded by decorative masonry walls, path lighting, and new plantings of trees and shrubs.

Home Owners' Association (HOA) Offsite Landscaping Program ~ SRP has completed the initial funding for this program, providing a one-time payment to eighteen HOAs in the area for use in providing additional landscaping to help mitigate views of the power plant. SRP will make annual payments to the HOAs for twenty years for off-site

Individual County Landscaping Program ~ SRP has completed this program.

8. The visual mitigation efforts shall be in general compliance with the plans and concepts presented in these proceedings and constitute a commitment level by Applicant. Applicant will not reduce the overall level of mitigation as set forth in its Application and this proceeding, except as may be reasonably changed during the CWG process. The Town of Gilbert shall approve the plans agreed to by the CWG.

Status ~ SRP has satisfied the visual mitigation requirements as initially set forth in the Application and the proceeding and further refined and expanded during the CWG process. SRP's mitigation efforts also include the items specified in the SRP/Town of Gilbert Intergovernmental Agreement.

9. Applicant shall, where reasonable to do so, plant on site trees by the fall of 2001. Because planting of trees must await the improvement of Warner Road and the design and construction of berms, this condition will largely apply to trees on the East side of the site, and some of the trees on the North side. All landscaping will be installed prior to the installation of major plant equipment such as, but not limited to, exhaust stacks, combustion turbines, and heat recovery steam generators, except where delays are reasonably necessary to facilitate construction activities.

<u>Status</u> ~ As noted in condition 7, nearly all of the landscaping work at the site has been completed. Following the completion of Unit 6 construction, the landscaping work in the northeast area and the southeast corner of the project site will be able to be completed. The "Trails Area" to the east of the power plant is expected to be completed by February.

10. Applicant shall operate the Project so that during normal operations the Project shall not exceed the most restrictive of applicable (i) HUD residential noise guidelines, (ii) EPA residential noise guidelines, or (iii) applicable City of Tempe standards. Additionally, construction and operation of the facility shall comply with OSHA worker safety noise standards. Applicant agrees that it will use its best efforts to avoid during nighttime hours construction activities that generate significant noise. Additionally, Applicant agrees to comply with the standards set forth in the Gilbert Construction Noise Ordinance, Ordinance No. 1245, during construction of the project. In no case shall the operational noise level be more than 3 db above background noise as of the noise study prepared for this application. The Applicant shall also, to the extent reasonably practicable, refrain from venting between the hours of 10:00 p.m. and 7:00 a.m.

<u>Status</u> ~ SRP remains in compliance with all applicable noise guidelines and standards. Major start-up activities for Units 5A and 5B began in October 2004 and will continue through to commercial operation, expected for April 2005. Throughout construction of the project, residents living within a .5 mile radius of the plant have been updated as to various upcoming construction and start-up activities and possible noise and/or emissions related to such activities.

At various times during construction of the project and start-up activities, SRP has applied for and received noise variance permits when it has been necessary to extend the hours of construction or start-up beyond those hours designated in the Gilbert Ordinance.

11. Applicant will work with the Gilbert Unified School District to assist it in converting as many as possible of its school bus fleet to green diesel or other alternative fuel, as may be feasible and determined by Gilbert Unified School District, and will contribute a minimum of \$330,000 to this effort.

Status ~ SRP has completed the activity required by this condition.

12. Applicant shall actively work with all interested Valley cities, including at a minimum, Tempe, Mesa, Chandler, Queen Creek and Gilbert, to fund a Major Investment Study through the Regional Public Transit Authority to develop concepts and plans for commuter rail systems to serve the growing population of the East Valley. Applicant will contribute a maximum of \$400,000 to this effort.

Status ~ The Town of Gilbert and SRP have approved Phase 2 scope of work for the Gilbert Bicycle - Pedestrian Plan. This phase is part of the overall Gilbert Transportation Study that was adopted by the Town Council in 2003. The Gilbert Transportation Study was developed to integrate with the Maricopa Association of Government's (MAG) Transit Study. Work is continuing on Phase 2 of the Gilbert study. SRP has expended approximately \$100,000 to-date to fund this effort and expects to commit the full \$400,000 to this project through its completion.

13. Within six months of approval of this Order by the Arizona Corporation Commission, Applicant shall either relocate the gas metering facilities to the interior of the plant site or construct a solid wall between the gas metering facilities at the plant site and Warner Road. The wall shall be of such strength and size as to deflect vehicular traffic (including a fully loaded concrete truck) that may veer from Warner Road to the gas-metering site.

Status ~ SRP has completed the activity required by this condition.

14. Applicant will use only SRP surface water, CAP water or effluent water for cooling and power plant purposes. The water use for the plant will be

consistent with the water plan submitted in this proceeding and acceptable to the Department of Water Resources. Applicant will work with the Town of Gilbert to attempt to use available effluent water, where reasonably feasible.

Status ~ Through December 2004, SRP had delivered a total of 50,191 acre feet of CAP water to the Granite Reef Underground Storage Project (GRUSP) for future use at Santan Expansion Project (SEP) via recovery from any SRP owned wells (Association or District) and delivered to SEP from the Eastern Canal (or onsite District wells). Accordingly, SRP has met its target to store 30,000 acre-feet of CAP water by May 2005. At this time it is projected that SRP will continue to store CAP water in GRUSP through 2011 for recovery and use at Santan.

15. Applicant agrees to comply with all applicable federal, state and local regulations relative to storage and transportation of chemicals used at the plant.

<u>Status</u> ~ SRP is in compliance with all applicable federal, state and local regulations relative to storage and transportation of chemicals used at the plant.

16. Applicant agrees to maintain on file with the Town of Gilbert safety and emergency plans relative to emergency conditions that may arise at the plant site. On at least an annual basis Applicant shall review and update, if necessary, the emergency plans. Copies of these plans will be made available to the public and on Applicant's web site. Additionally Applicant will cooperate with the Town of Gilbert to develop an emergency notification plan and to provide information to community residents relative to potential emergency situations arising from the plant or related facilities. Applicant agrees to work with the Gilbert police and fire departments to jointly develop on site and off-site evacuation plans, as may be reasonably appropriate. This cooperative work and plan shall be completed prior to operation of the plant expansion.

<u>Status</u> ~ SRP does and will continue to comply with all safety standards including secondary containment for bulk materials (chemicals) and development of evacuation procedures for plant personnel. A detailed copy of the response plan is available at the Town of Gilbert Fire Department as well as with the State Emergency Response Commission (SERC) and the Maricopa County Local Emergency Planning Committee (LEPC).

17. In obtaining air offsets required by EPA and Maricopa County, Applicant will use its best efforts to obtain these offsets as close as practicable to the plant site.

<u>Status</u> ~ SRP acquired emission reduction credits from the Phoenician and Oak Canyon Manufacturing sufficient to satisfy the 72 ton VOC offset requirement contained in the Santan air quality permit. In

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addition, SRP, in cooperation with the Maricopa County Department of Transportation, has obtained sufficient PM10 offsets for Unit 5 by paving roads in the east valley, starting with roads closest to the plant site. The Maricopa County Department of Transportation will complete all paving necessary to meet SRP's air offset requirements for Unit 6 prior to the unit becoming operational.

18. In order to reduce the possibility of generation shortages and the attendant price volatility that California is now experiencing, SRP will operate the facilities consistent with its obligation to serve its retail load and to maintain a reliable transmission system within Arizona.

> Status ~ SRP's first priority in operating its generating stations, transmission system and distribution system is to safely supply a reliable, low cost source of power to its retail customers. The Santan Expansion Project will be operated in the same manner as current resources and is a significant element in SRP's plans to avoid the kind of price volatility that accompanied the California crisis.

19. Beginning upon operation of the new units, Applicant will establish a citizens' committee, elected by the CWG, to monitor air and noise compliance and water quality reporting. Applicant will establish on-site air and noise monitoring facilities to facilitate the process. Additionally Applicant shall work with Maricopa County and the Arizona Department of Environmental Quality to enhance monitoring in the vicinity of the plant site in a manner acceptable to Maricopa County and the Arizona Department of Environmental Quality. Results of air monitoring will be made reasonably available to the public and to the citizens' committee. Applicant shall provide on and off-site noise monitoring services (at least on a quarterly basis), testing those locations suggested by the citizens' committee. The off-site air monitoring plan shall be funded by the Applicant and be implemented before operation of the plant expansion.

> Status ~ The Santan Neighborhood Committee (SNC) toured the Santan Power Plant (including the Santan Expansion Project) on Saturday, January 15, 2005 and held a meeting at Santan on January 19, 2005 which included training on air emission data. The environmental data such as air, noise and water quality compliance will be available on the Santan Website for the public's and SNC's review after the units begin commercial operation.

20. Applicant will explore, and deploy where reasonably practicable, the use of available technologies to reduce the size of the steam plumes from the unit cooling towers. This will be a continuing obligation throughout the life of the plant.

> Status ~ SRP explored the option of reduced plume cooling towers via the specification and bidding process for this equipment but found the

limited availability, prohibitive cost and additional height requirements of the plume abatement technology to supersede the potential benefits at this time. SRP will continue to monitor cooling tower technology.

21. SRP will, where practicable, work with El Paso Natural Gas Company to use the railroad easements for the installation of the new El Paso gas line.

Status ~ SRP's current plans are to sell the SEP lateral to a third party. SRP sent out a Request for Expression of Interest (Requests for Interest) in late July 2004 to various parties that might be interested in purchasing the lateral. SRP is currently reviewing the interested parties' proposals and is close to making a final selection for the sale of the lateral.

22. Other than the Santan/RS 18 lines currently under construction, Applicant shall not construct additional Extra High Voltage transmission lines (115kV and above) into or out of the Santan site, including the substation on the site.

<u>Status</u> ~ SRP has no plans to construct additional Extra High Voltage transmission lines (no new circuits 115kv and above) into or out of the Santan site or substation on the site. However, some of the existing circuits may be bundled in the future as required.

23. Applicant will replace all Town of Gilbert existing street sweepers with certified PM10 efficient equipment. A PM10 efficient street sweeper is a street sweeper that has been certified by the South Coast Air Quality Management District (California) to comply with the District's performance standards under its Rule 1186 (which is the standard referenced by the Maricopa Association of Governments).

<u>Status</u> ~ SRP has completed the activity required by this condition.

24. Applicant shall work in a cooperative effort with the Office of Environmental Health of the Arizona Department of Health Services to enhance its environmental efforts.

<u>Status</u> ~ A representative of the Arizona Department of Health Services has agreed to serve on the Santan Neighborhood Committee. The representative will provide technical assistance and expertise to the citizens committee mentioned in condition 19. Such assistance will cover air, noise, and water quality issues and their impact on public health.

25. Applicant shall operate, improve and maintain the plant consistent with applicable environmental regulations and requirements of the Environmental Protection Agency, the Arizona Department of Environmental Quality, Maricopa County and the Town of Gilbert.

Status ~ SRP has an environmental management system (EMS) designed to assure compliance with applicable laws and regulations. The Santan Generating Station is already integrated in the SRP EMS. Procedures and Environmental Information Management Systems (EIMS) will be modified to incorporate the new requirements associated with the Santan Expansion Project. Plant personnel will receive training on the new requirements and a formal audit will be conducted within one year of plant startup.

26. Applicant shall actively work in good faith with Maricopa County in its efforts to establish appropriate standards relative to the use of distillate fuels in Valley generating facilities.

<u>Status</u> ~ SRP has completed the activity required by this condition.

27. Applicant shall install continuous emission monitoring equipment on the new units and will make available on its website emissions data from both the existing and new units according to EPA standards. Applicant shall provide information to the public on its website in order to assist the public in interpreting the data, and provide viable information in a reasonable time frame.

<u>Status</u> ~ SRP has installed continuous emission monitoring equipment on the new units. Once the units become operational, SRP will provide emissions data for the existing and new units on its website.

28. Applicant will comply with the provisions of the Intergovernmental Agreement dated April 25, 2000 between Applicant and the Town of Gilbert, as modified pursuant to this Certificate.

<u>Status</u> ~ There are eight SRP obligations noted on the IGA. The status of each obligation is as follows:

<u>Improvements to Warner Road and Val Vista Road</u> ~ These improvements are complete.

Screening of the Plant ~ All of the screening, with the exception of the northeast area and the southeast corner of the project site, is complete. The two areas of the site remaining to be landscaped must be left available for construction access and installation of underground utilities associated with the power plant construction. Screening in these areas will be completed upon completion of Unit 6 construction.

<u>Trail Extension</u> ~ In the "Trails Area" to the east of the power plant, work is nearing completion, with final work on the equestrian path and minimal landscaping touches yet to be completed. Fencing is complete, with the exception of the fencing around Well D, which will be completed within the next month. The "Trails Area" includes a horse trail, unpaved equestrian resting areas complete with benches for the horse's rider, and a shared use path, surrounded by decorative

masonry walls, path lighting, and new plantings of trees and shrubs.

Rerouting of Canal at Ray Road ~ This canal modification is complete.

<u>Training Tower Removal</u> ~ This training tower was removed in the fall of 2000.

<u>Revegetation Along New RS 18 Line</u> ~ SRP has restored any vegetation damaged or destroyed along the RS 18 line as a result of the construction of the line.

<u>Dust Control Along Canals</u> ~ SRP is in compliance with applicable PM-10 standards along SRP canal banks.

<u>Offsite Tree Planting</u> ~ The offsite landscaping programs are complete. See Condition 7 status for more details.

29. During the proceeding neighbors to the plant site raise significant concern about the impact of the plant expansion on residential property values. In performing each of the conditions in this order Applicant, in conjunction where applicable, with the Town of Gilbert and the plant site neighbors, shall consider and attempt to maximize the positive effect of its activities on the values of the homes in the surrounding neighborhoods.

<u>Status</u> ~ Conditions 7, 9 and 28 address SRP's comprehensive landscaping plan that was developed by SRP's landscape architect and approved by the CWG. Almost all of the landscaping at the project site has been completed and funding for off-site landscaping has been completed as well. The landscaping provides attractive features and was designed to maximize the positive effect on the surrounding neighborhoods.

30. Applicant shall construct the auxiliary boiler stack at such height as may be determined by air modeling requirements. Applicant shall situate the auxiliary boiler stack so that it is not visible from off the plant site.

<u>Status</u> ~This condition is no longer applicable as SRP has decided not to use an auxiliary boiler so no auxiliary boiler stack will be necessary.

31. Applicant will construct the heat recovery steam generators ("HRSG") approximately 15 feet below grade and will construct the HRSGs so that the overall height of the HRSG module from the natural grade is no more than 80 feet.

Status ~ SRP has completed the activity required by this condition.

32. Applicant will complete the installation of the dry low NOX burners on the existing units prior to the construction of the new units.

Status ~ SRP has completed the activity required by this condition.

33. Applicant shall not transfer this Certificate to any other entity for a period of 20 years from the date of approval by the Corporation Commission, other than as part of a financing transaction where operational responsibilities will remain with Applicant, and where Applicant will continue to operate the plant in accordance with this Certificate.

Status ~ SRP has no plans to transfer this Certificate to another entity.

34. Applicant shall post on its website, when its air quality permit application is submitted to the Maricopa County Environmental Services Department.

Also, Applicant shall post on its website any official notice that may be required to be posted in newspapers for its air quality permit application.

<u>Status</u> ~ SRP has completed the activity required by this condition.

GRANTED this ____ day of February, 2001

ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

By Paul A. Bullis Its Chairman

BEFORE THE ARIZONA CORPORATION COMMISSION

	•
In the matter of the Application of Salt)
River Project Agricultural Improvement and)
Power District in conformance with the)
requirements of Arizona Revised Statutes	ý
Sections 40-360-03 and 40-360.06, for a) Case No. 105
Certificate of Environmental Compatibility)
authorizing the Expansion of its Santan) Docket No. L-00000B-00-0105
Generating Station, located at the intersection	·)
of Warner Road and Val Vista Drive,) Decision No
in Gilbert, Arizona, by adding 825 megawatts	<u> </u>
of new capacity in the form of three combined	j
cycle natural gas units, and associated	j
intraplant transmission lines.	
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	_ /

The Arizona Corporation Commission (Commission) has conducted its review, as prescribed by A.R.S. §40-360.07. Pursuant to A.R.S. §40-360.07(B), the Commission, in compliance with A.R.S. §40-360.06, and in balancing the broad public interest, the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of the state;

The Commission finds and concludes that the Certificate of Environmental Compatibility should be granted upon the additional and modified conditions stated herein.

35. The Santan Expansion Project shall be required to meet the Lowest Achievable Emission rate (LAER) for Carbon Monoxide (CO), Nitrogen Oxides (Nox), Volatile Organic Carbons (VOCs), and particulate Matter less than ten micron in aerodynamic diameter (PM10). The Santan Expansion Project shall be required to submit an air quality permit application requesting this LAER to the Maricopa County Environmental Services Department.

<u>Status</u> ~ On February 10, 2003 the Maricopa County Environmental Services Department issued an air quality permit for the Santan Expansion Project. The air permit mandates the following Lowest Achievable Emission Rates (LAER):

- NOx 2 ppm w/o duct firing; 2 ppm w/ duct firing
- VOC 1 ppm w/o duct firing; 2 ppm w/ duct firing
- PM10 .01 lb/mmBtu

36. Due to the plant's location in a non-attainment area, the Applicant shall not use diesel fuel in the operation of any combustion turbine or heat recovery steam generator located at the plant.

<u>Status</u> ~ Since the issuance of the ACC order for the SEP Certificate of Environmental Compatibility, SRP has not burned diesel oil in the existing Santan generating units. The new generating units associated with the SEP will not have oil-burning capability.

On March 3, 2004, the Maricopa County Environmental Services
Department issued a revision to SRP's air quality permit to allow for the
use of ultra low sulfur fuel as an emergency fuel in the existing units.
The conditions in the air quality permit are identical to the requirements
for emergency fuels contained in Maricopa County's new air quality rule
for existing power plants (Rule 322). In addition, the revised air permit
includes a separate condition stating that SRP cannot use the fuel
unless previously authorized by the ACC. SRP will continue to fully
comply with Condition 36 of the CEC that prohibits the use of diesel fuel
in any Santan unit unless amended by the ACC on an emergency basis
at some future time.

37. In obtaining emissions reductions related to Carbon Monoxide (CO) emissions, Applicant shall, where technologically feasible, obtain those emission reductions onsite to the Santan Expansion Project.

Status ~ SRP has completed the activity required by this condition.

38. Beginning upon commercial operation of the new units, Applicant shall conduct a review of the Santan Generating facility operations and equipment every five years and shall, within 120 days of completing such review, file with the Commission and all parties in this docket, a report listing all improvements which would reduce plant emissions and the costs associated with each potential improvement. Commission Staff shall review the report and issue its findings on the report, which will include an economic feasibility study, to the Commission within 60 days of receipt. Applicant shall install said improvements within 24 months of filing the review with the Commission, absent an order from the Commission directing otherwise.

<u>Status</u> ~ SRP will comply with the requirement for a review of technology that will reduce plant emissions every 5 years after commercial operation of the new units and will report such findings to the Commission and all parties in this docket.

1	39.	Applicant shall provide \$20,000 to the Pipeline Safety Revolving Fund on an annual basis, thus improving the overall safety of pipelines throughout the State of Arizona.			
2	**************************************				
3				eck for \$20,000 was sent to the Arizona	
4		Fund. This	s check satisfies co	r deposit in the Pipeline Safety Revolving empliance with this condition for the year	
5			orii 30, 2004. Subse ril timeframe each y	quent checks will be distributed in the vear.	
6	40.	Where feasible, Applicant shall strive to incorporate local and in-state contractors in the construction of the three new generation units for the			
7		expansion pro		f the three new generation units for the	
8		<u>Sta</u> tus ~ E	very effort has bee	n made to incorporate local contractors fo	
9		this projec	ct. Over one hundre	ed-eleven local or in-state contractors hav eted or in progress.	
10	41.	Applicant sha	ıll construct a 10-fo	ot high block wall surrounding the	
11		perimeter of the Santan plant, and appropriately landscape the area consistent with the surrounding neighborhood, unless otherwise agreed to by the Salt River Project and the Citizens Working Group.			
12					
13	Status ~ SRP has completed the activity required by this condition.				
14	APP	ROVED AS AM		R OF THE ARIZONA CORPORATION	
15			THE PARTY OF COMME	IMISSION	
16					
17	Chairman				
			Commission	ner Commissioner	
18			Commission	ner Commissioner In Witness hereof, I, Brian C. McNeil,	
18 19			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona	
			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal f this	
19			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand	
19 20			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal f this Commission to be affixed this day of, 2001.	
19 ² 20 21			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal f this Commission to be affixed this day of, 2001. By:Brian C. McNeil	
19 20 21 22			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal f this Commission to be affixed this day of, 2001.	
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19 20 21 22 23 24			Commission	In Witness hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal f this Commission to be affixed this day of, 2001. By: Brian C. McNeil	
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AT& Voice Over IP

T-00000I-04-0749

February 4, 2005

Arizona Corporation Commission DOCKETED

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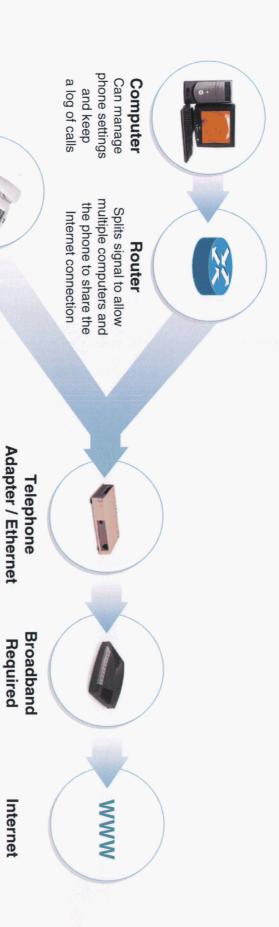




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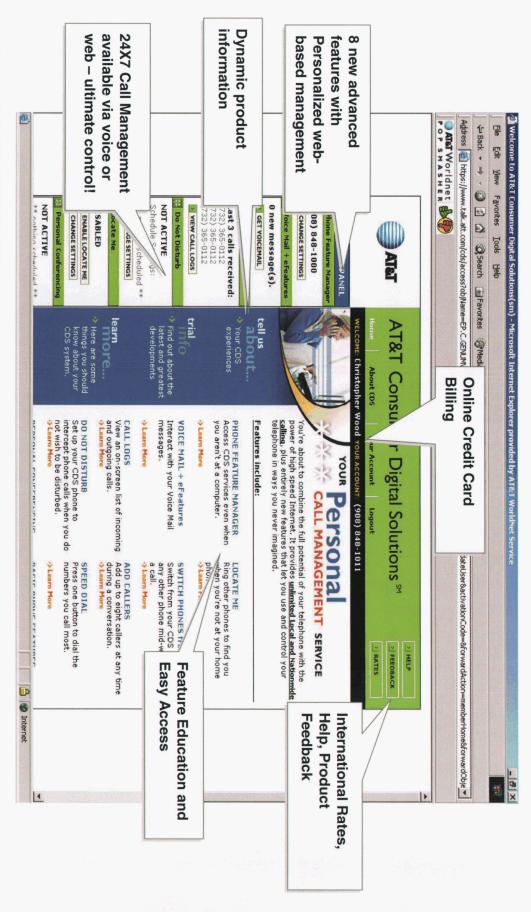


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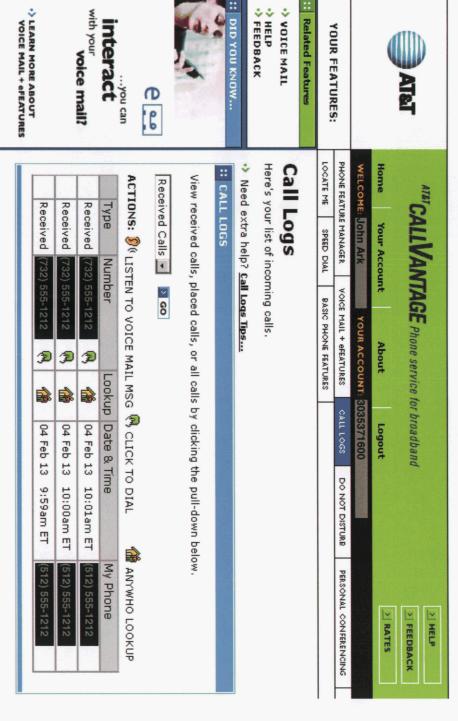
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